

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 468-30

OMURA et al.

C# M#

Serial No. 09/914,286

TC/A.U.

1646

Filed: August 24, 2000

Examiner: N.T. Nashed

Date: February 6, 2004

Title: AVERMECTIN AGLYCON SYNTHASE GENES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 CFR §1.111

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 46 minus highest number
previously paid for 57 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 5 minus highest number
previously paid for 17 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 950.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 950.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: **Submission of Formal Drawings (Figs. 1 and 2A-2C); receipt for a deposit of
Streptomyces avermitilis K2038; Nat. Biotechnol., 2003; and Sambrook et al. Molecular
Cloning, page 13.74.** 0.00

TOTAL FEE ENCLOSED \$ 950.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 

02/11/2004 TBESHAH1 00000023 09914286

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OMURA et al.

Appln. No. 09/914,286

Filed: August 24, 2001

FOR: AVERMECTIN AGLYCON SYNTHASE GENES

Confirmation No.: 2354

Atty. Ref.: 468-30

Group Art Unit: 1652

Examiner: N.T. Nashed

* * *

AMENDMENT UNDER 37 CFR § 1.111

February 6, 2004

Mail Stop Non-Fee Amendment

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the pending Office Action (Paper No. 13) mailed August 7, 2003, entry and consideration of the following amendments and remarks are respectfully requested.

Amended portions of the **specification** are presented on page 2.

Descriptions of Fig. 2 are revised to conform to its separation into three panels.

Corrected formal drawings are submitted herewith.

The **claims** are presented on pages 3-7

Claims 1-2, 16, 31-32, 34-35 and 37-40 are amended.

Claims 3-15, 17-30, 33 and 43 are canceled without prejudice or disclaimer.

Claims 44-56 are added.

Remarks begin on page 8.